VOTING ON DEMANDS FOR GRANTS.

DEMAND VI.—LAND REVENUE (*contd.*)

Motion No. 386. (*contd.*)

PRESIDENT: The House will now resume the discussion of motion No. 386 under Demand VI. It has already been moved and another member has spoken on that, although I should have felt happier if that important question had found a place under the total grant.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I wish to speak a few words in support of the motion. The mover, when he was addressing the House, drew its attention to the desirability of reviving the notification, in the Government Gazette, about revenue auction sales. It is true, Sir, that some nine years back the Government thought it necessary to publish notices of auction sales in the Government Gazette so that the attention of the parties concerned may also be attracted to such action on the part of the authorities and also to invite the attention of the creditors to participate in auction sales. To my mind, Sir, auctions, if they are not done in public and after due publicity is given, will never serve the purpose, besides causing great loss to the parties whose properties are brought in auction. Sir, in the course of interruptions, by way of questions to the Land Revenue Commissioner, he answered that over 27,000 such notifications were published in the Government Gazette; and to another interruption by way of a question, he answered that it is not the inability on the part of the ryots to pay the arrears of land tax but it may be their unwillingness to pay expecting that a remission will be given to them in the course of the year. That was the position taken by the Land Revenue Commissioner. I may say, Sir, by way of answer that it is sheer inability on the part of the people to pay arrears of land tax and not certainly any unwillingness to pay them. It is true that there is no provision in the Land Revenue Recovery Regulation to issue a notification in the Gazette before auction sales are conducted. But the desirability was felt by Government to have notifications in the Gazette some nine years ago. The reason why such a practice was discontinued was not in any way explained or attempted to be explained by the Land Revenue Commissioner. I wish to point out that this absence of notification in the Government Gazette will give rise to great abuse on the part of the subordinates of the Land Revenue Commissioner in the matter of conducting sales in private. I know, Sir, of one instance where even a notice was not served on the parties concerned. This will cause great loss to the parties and also great hardship, even if there was the intention on the part of the parties concerned to get back the property after remitting the amount. Sir, this is really a hardship and I would draw the attention of the House to see whether Government could not be persuaded to revive that notification in the future.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): In supporting the motion, I desire to make a few observations to show how the alleged

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circular will affect the interests of the creditor. The effect of a sale under the Land Revenue Recovery Regulation, I of 1068, is stated in Section 39 of the Regulation.

> "All lands brought to sale on account of arrears of revenue due thereon shall be sold free of all encumbrances and, if any balance shall remain after liquidating the arrears, interest and the expenses of attachment and sale and other costs due in respect of such arrears, it shall be paid over to the defaulter."

Now, revenue being the first and paramount charge upon the land, the sale of land for arrears of land revenue is free of all prior encumbrances. Such a sale is conducted after notice prescribed in Section 32 of the Regulation is given. Section 32 (2) says——

> "Previous to the sale, the Tahsildar shall issue a notice specifying the name of the defaulter, the position, tenure and extent of land and the buildings therein; the amount of revenue assessed on the land or upon its different sections; the proportions of the Public Revenue due during the remainder of the current Malabar year, and the time, place and conditions of the sale."

It is obviously under Section 32 (2) that this publication in the Government Gazette was prescribed by the Government, though certainly that Section does not make it obligatory on the Government to do so. Another Section in the Regulation says that this notice should be issued to the defaulter. Who the defaulter is has not been defined in the Regulation itself. But there are decided rulings of the High Court which have now finally established that the defaulter is the registered *pattadar*. The term 'land-holder' has been defined in the Regulation. Section 1 (c) says——

> "'Land-holder' means the registered holder for the time being of any land, and includes his legal representative."

The original notice need be issued only to the defaulter. The defaulter is a person, as I submitted, in whose favour the *pattai* appears. This *pattadar* might really be a person who has very little interest in the property. He might have mortgaged the property to the hilt or he might have sold it to another and mutation of names might not have appeared in the village records or he might be a decree-holder who has purchased the property in a court of law and in whose favour mutation of names has not appeared in the village records. It is obviously not possible for the Government to issue notice to all those persons who are really interested in saving the land from being sold for arrears of Government revenue. The Regulation does not say that notice should be issued to them. But it is those persons who are really interested in saving the land from being sold for arrears of revenue. To such persons the only notice is the second notice, that is the notice prescribed in Section 32. That merely says that the Tahsildar shall specify the name of the defaulter, and also, as I read before, the position, tenure and extent of the land. How is it to be done? The Section itself does not say anything. How it is usually done is to fix a notice in the Taluk Office and there may be some tom-toming in the village itself. The creditors are supposed to be informed in this way. But I may be a creditor in Neyyattinkara who has advanced money on the security of property in Tiruvalla. The property in

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Mr. R. Sambasiva Aiyar.]

Tiruvalla is sought to be sold. It might be a property mortgaged to the hilt. It is not possible for me to know as to when that property would be sold. There is really strong force in Mr. Sivatanu Pillai's contention that the defaulter and the local official will collude and that the property may be purchased *benami* in the name of another by the debtor. Even if there may not be any collusion between the Proverthikar and the defaulter, the property may be sold for a nominal price. But, if the person really interested in the land had known about it, he would have paid the revenue. I submit, Sir, that there are various cases in which the creditors have paid such arrears of revenue in order to save the land from revenue sale after seeing the publication in the Government Gazette. I may also submit, Sir, that I have done the like in various cases. It is in the interests of the creditor also to pay the arrears of revenue and he should be given an opportunity to do so by publication in the Gazette.

MR. K. C. ABRAHAM (*Kottayam II*): Is it the duty of any person having any interest on land to see that Government dues are paid?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Yes. It is to his interest and that is all what I am concerned with.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Sir, I rise to support the motion before the House. The Revenue Recovery Regulation, no doubt, does not enjoin on the revenue authorities the duty of publishing any notice regarding the sale of immoveable properties, attached for the recovery of arrears of revenue, in the Government Gazette. Under Section 31 of that Regulation, any person claiming an interest in the land attached or about to be attached has got a right to pay the dues; and again under Section 33 of that Regulation, any person claiming an interest in the land may pay the dues at the time of the auction sale of the land before the lot is knocked down. Now, persons claiming an interest in the land may have that interest in varying degrees. There may be persons who are usufructuary mortgagees, and generally in Travancore these usufructuary mortgagees enjoy the land. They know what may be taking place and they may pay the revenue. But there may be other kinds of people interested in the land, the hypothecatees, for instance. They may live in distant places; they need not necessarily be at the spot. They too have vital interest in the property, but it is not unlikely that they will be utterly in the dark as to the proposed sale of the land on which they have advanced heavy sums, if no notice is published in the Gazette.

Again there may be some who might have received a sale *sannad* from a civil court, but who would not have had the time to have their names entered in the village registers. Yet again, there may be others who have got the land attached by a civil court. In this way, a large number of persons claiming interest in the lands proposed to be auctioned exist who would not know what is taking place in respect of them.

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So a notification of sale has to be published in the Gazette. It was exactly to remedy this defect that the Government passed this order for sale notifications being published in the Gazette, in 1925.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As a matter of fact, does this Gazette notification come to the notice of the people ?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): At that time a deputation of the Bankers' Association of Travancore waited upon the then Dewan and represented the grievances of the hypothecatees who had no notice of revenue sales and it was to redress the prayer of the hypothecatees that this order was passed by the Government as a generous measure.

I shall now answer the learned Law Member's question. He asks whether the said publication made in the Government Gazette reaches all classes of persons interested in the land and whether, as a matter of fact, any real relief comes to them by such a publication. My answer is, 'in several cases, yes'. At any rate, it will not be open to anybody to blame the Government for not giving facilities to those interested in the land to know what has taken place, if the notice of sale is published in the Government Gazette. There is that advantage to be gained by this notification. Again, since the original G. O. was published in the Gazette, it would have been proper if the present order had also been published in the Gazette. But that does not appear to have been done. I understand that, for the auction sale of lands less than three acres in extent, no Gazette notification is now required. As a matter of fact, we know that, in Travancore, a very large number of holders of land own only less than three acres. Hence almost all the arrears of Government revenue will hereafter be realised without notice in the Gazette. I cannot find any logic in the invidious distinction proposed to be drawn by the Government in the matter between the rich and the poor. The same rule must apply to all alike. I therefore say that this is not a measure calculated to help the ryots but to increase uneasiness in the country.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : Sir, yesterday the Honourable Land Revenue Commissioner, when he was talking about the difficulties of the agriculturists in the matter of paying taxes, said that it was an exaggerated demand that was made by the members. That allegation of the Land Revenue Commissioner can be very easily put to the test. There are plenty of people in Nanjinad who are prepared to surrender their *puduval* lands to the Government so that they may cultivate the lands and pay the taxes for them and give only a nominal return to the owners thereof. I do not know whether the Honourable member will be prepared to take up that challenge. That shows that, as a matter of fact, the situation is much worse than what the Land Revenue Commissioner puts it to be.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it not possible for the people to abandon such lands ?

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MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir, the learned Law Member asked as to whom the land belonged and it was said that in olden times it belonged to the State. If so, as a matter of fact and as an economic theory, it has been accepted. Taking it in that way, is the Government willing to sell the lands because people are not able to pay the tax? If the Government were the owner of the land, would they be willing to sell it because the tenant is refusing to pay the rent. That shows that even legally and economically the Government is not the owner of the property.

(At this stage the President left the hall and the Deputy President took the Chair.)

The State is a sleeping partner in the business of each of its activities and it should make such an arrangement as to promote the maximum of success on the part of the working partner. That was the opinion of one of the greatest professors. So far as agriculture is concerned, the State is a sleeping partner and the agriculturist a working partner. The State being the sleeping partner, it should not go on taking the profit only out of the land but should try to encourage the other party. Our case is that agriculture is a losing concern and that the State should share its economic aspect. That policy is accepted throughout the world.

As regards the question of revenue auction, the Land Revenue Commissioner said that 27,000 notifications were published, only 10,000 auction sales actually took place and out of that only 3,000 auctions were confirmed, and that all the people were in a position to pay the tax. My submission is that it is quite different. The inference is the other way, *viz.*, that it is due to the fact that there are no bidders to come forward that only so many auctions were confirmed. Now under the Revenue Recovery Regulation, only small bits of land could be sold in auction. Now a particularly rich man in South Travancore who had some money with him thought that it was the best opportunity to purchase lands and so he began to attend all the auctions throughout the Agasteeswaram and Tovala taluks. But ultimately he found out that he could not get possession of the lands, because he could have only what is known as *Oodukoor* possession of the properties. The Proverthikars could not give possession of the lands to him. Their business ended as soon as the sales took place. Therefore the contention of the Land Revenue Commissioner that the people are able to pay their taxes is not well founded. People are not able to get even 3 per cent. interest from their investments.

(At this stage the President came in and took the Chair.)

Nowhere will the holder be prepared to invest his money on a business which will not give him the proportionate income. There are plenty of people in Nanjinad who have got lands of their own. I say that there are even retired officers who have invested Rs. 50,000 and more on lands in Nanjinad. I think that they will be prepared to give them if only 3 per cent. interest is given on the money they have invested. I may say that, even though all the necessary formalities in the sale of land may take place as a matter of fact, there will not be any bidders in future. That is the economic condition of the people.

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MR. K. R. ELENKATH (*Kalkulam I*): Sir, I rise to speak a few words in favour of the motion. Some of the speakers have brought to the notice of the House the difficulty which holders of hypothecation deeds and court decrees will be put to, in case this practice of publishing the notification in the Government Gazette is abandoned in future. There are other people who will have to experience this difficulty, *viz.*, those whose properties have been partitioned but no *patta* has been granted to separate individuals. I know, for instance, a case where a particular owner of a property had to forego it even after paying his tax because his portion of the property was sold in auction for the default of others owning different parts under the same *patta* in the name of his *Karanavan*.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In that case, was there a Gazette notification of the sale?

MR. K. R. ELENKATH (*Kalkulam I*): There was. But unfortunately no one interested informed him in time. This could be averted in case those interested in a person come to know of the auction and inform him of the fact. What I point out is that, when we adopt a measure, we should weigh the advantages and disadvantages of such a measure. What is the advantage derived by adopting such a measure? Only a couple of rupees a week will be saved by the Government by suspending the publication of the notification. On the other hand, what are the manifold advantages to be derived from that to the people in general? I have informed some of them, in whom I had interest, about the notification in the Gazette and they have been in time to pay the tax to save their property from being auctioned. I want to bring this fact to the notice of the Government. With these words, I support the motion before the House.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Sir, I raise a point for the consideration of the House. None of us knows the exact nature and scope of the circular that is said to have been issued by the Land Revenue Commissioner. Without knowing that, we are not in a position either to oppose or to support the motion. So I would request the Chair to ask the Land Revenue Commissioner to explain the exact nature and scope of the circular.

PRESIDENT: It was my intention, after I had heard one or two speakers, to call upon the Land Revenue Commissioner to explain the position and say what he has to say in the matter.

But as I found member after member getting up with energy and enthusiasm, I did not want to pull down the enthusiasm. But if the House prefers to hear the Land Revenue Commissioner before further discussion, I have no objection.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Sir, the question for our consideration at present is whether it is necessary to revive the practice of publishing notices as to revenue sales in the Gazette. It is admitted that it was a practice in existence

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[Mr. K. George.]

for about 9 years. But recently it was thought that, since the law does not require such publication and since the publication of a large number of survey numbers with information regarding the tax due would not be of much real use to those persons who have to pay the tax, in view of all these considerations, it was thought unnecessary to publish these notices in the Gazette. So such an arrangement was stopped. As I said, all the speakers admitted that the law does not require that there should be a publication in the Gazette. The law requires publicity; and for that it lays down that publications must be made in the Pakuthi Cutcherry, the Taluk Cutcherry, the Police Station and the spot where the land is situated.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is this opinion based on the advice given by the Head Sirkar Vakil or is that the opinion of the Land Revenue Commissioner that there is no provision in the Revenue Recovery Regulation for the issue of any notice independent of other factors?

MR. K. GEORGE (*Land Revenue and Incom Tax Commissioner*): That is my opinion and I find that the view has been supported by the previous speakers here; and I think it was so stated in the Government Order which was issued in 1925 on the subject of publication of notices of sales in the Government Gazette. It was thought that the publication of such a large number of lists from week to week would not be of any real or substantial help to those who have to pay tax. It is true that a few persons here and there may fail to know of the sale of properties in which they have some interest. But it would be easy for them to make their own arrangements with the Taluk and Pakuthi officials in the matter of payment of taxes on lands in which they are interested. That was the idea with which the Government stopped publication.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the case that the number of sales has increased to such a large extent that the Government thought that the efficacy of publication has gone down?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That is partly the reason. When the number of sales is large, very few people would care to go through a very long list of sales. The defaulters get the necessary information through the demand notices under Section 23 and the publications in the Pakuthi and Taluk Cutcherries and the Police Station and on the spot.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the member's view that, because the list grows longer, the number of persons who will take interest in it will be smaller?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It requires patience to go through the list.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): A property may be hypothecated and the hypothecatee may be in a different locality. The

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hypothecator may have no interest in the property. How can the hypothecatee know of the notice unless he appoints a local agent?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): He can keep himself informed of the position regarding the payment of tax on that land.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is the cost of publication realised from the party concerned?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No, it is not done in the case of Gazette publications.

Government find, however, that there is a unanimity of opinion on the other side of the House regarding this matter and therefore Government are prepared to reconsider the order which they have issued.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): As the member has undertaken to reconsider the question, I do not propose to say very much on this subject; but one or two ideas which struck me, I shall place before this House. I may preface by saying that the discontinuance of the publication in the Gazette was a tactical as well as a strategical mistake for it lends colour to the arguments of the members on this side that, when more and more land was sold in auction, Government wanted to withhold correct information from the public. The object may not be that, but this is the result.

The second point I wish to deal with is that, year after year, time after time, attempts were being made by Government to install themselves as owners of land. It was wrong. According to both Hindu and Mohammedan law, the State was not the owner of the land and that is laid down in so many old cases for example Asthamurthi's case and so forth. For the last so many years, in conformity with the findings of Judges in British India, the Judges of the Travancore High Court also supported the plea and upheld the contention that the Government was the owner of undisposed of land. I maintain, Sir, that the Government have no absolute right over the land. It has a right only for the revenue derived from the land and that revenue is the prior charge on that land. The Revenue Recovery Regulation is like a tyrant. The Government must have funds. It is an old institution. But, Sir, in spite of the fact that there is provision in law for publication in the Gazette, there are various other provisions by which publication can be given. It is therefore that I attempted to speak. It is this. There is force, a good deal of force, in the observations made by Mr. George, that people may not care to study carefully all the entries in the several pages of the Government Gazette. But all the same, there it is a provision in the Regulation. Therefore while maintaining that publication in the Gazette is necessary, I say it is not enough; for the ordinary man being not inclined to study this carefully, there must be other safeguards. They are provided in the Regulation itself, as conceded by the Government member. But the unfortunate thing about it, Sir, is that publication in the Taluk Cutcherry, Proverthy Cutcherry and Police Station are not very useful in the way of giving

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[Mr. T. K. Velu Pillai.]

information to the world at large. Therefore the Government should insist that what is laid down in Section 24 with regard to the attachment of property is very carefully done. So if the Tahsildar or Proverthicar has to attach, then, in so attaching the notice of attachment shall be a fixed in some conspicuous part of the Taluk and Proverthy Cutcherries and shall also be published by tom-tom on the immovable property attached. The publication shall also be reported to the Dewan Peishkar.

So Government ought to change the law if the law does not make provision for necessary things.

PRESIDENT: You are going outside the ambit of the subject matter.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): But, Sir, there is the Regulation, which, I submit, will have to be considered. The Regulation has to be worked well; and besides publication in the Government Gazette, these provisions will also have to be kept in mind.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, the question before the House is whether there is necessity for any notification in the Government Gazette before revenue sales of lands are conducted. The necessity for publication of sale is conceded on the official side since the Statute provides for the same. The modus of such publication is the only question for consideration.

PRESIDENT: I believe the future speakers will keep in mind the statement made by the Government Member.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Certainly. Now that the Government have agreed to reconsider the question, I am adducing a few further arguments to support the practice of publication in the Government Gazette. At the time of reconsideration, it may not be open to the House to participate in the reconsideration. It was said that, for purposes of a valid revenue sale the Revenue authority should at least issue a notice to the registered *pattadar*; now this should not be a mere formality but should serve the purpose of acquainting those interested in the property as to what would happen to it. The *pattadar* may not have all the interest in the property. He might have hypothecated it or mortgaged it. The *pattadar* himself as in the case of a Marumakkathayam *tarwad* or a Hindu co-parcenary may be the head of a family and as such be one of the co-sharers holding the property. In spite of partitions and court sales, mutation of registries might not have taken place owing to the dilatory practices of the Land Revenue Department. On account of these troubles, those interested in the property are exposed to risk. The solution for that, according to the Land Revenue Commissioner, is that they may obtain necessary information from the Proverthicar or the Tahsildar or any other underling. That is easily said; but the practical difficulties are not realized. These officers are under no obligation to furnish information,

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They are sluggish and not disposed to be communicative, unless they are enlivened by continuous tips. Once the door for publicity is closed by withdrawing publication from the Government Gazette, are these Proverthicars the sort of people from whom one may expect correct information as to what is going to take place in the execution of revenue processes? They will, on the other hand, make it worth their while to suppress and mislead to make a gain out of the situation. A wide door for malpractices will be opened by making the Revenue underlings the sole custodians of information. Therefore, in the interest of all concerned, it is necessary that there should be wide publicity and the Government Gazette is the best medium that we can think of in this connection. This was found necessary on a previous occasion by the Government. Now it is said, it is not worth while to have it kept up. I beg to submit that the reasons that induced Government formerly to adopt such a step have not disappeared. Let us at least eliminate the foul play of the Revenue subordinates, if nothing else is feasible in the circumstances. Therefore I submit, Sir, that the motion is well-founded.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, the Land Revenue Commissioner has already told the House that the Government are prepared to reconsider the matter. I may reiterate what he has said, on behalf of Government. But I wish to add a few words to remove a misconception as to what prompted Government to issue the circular. It has been pointed out that publication of these notices in the Government Gazette will give sales the widest publicity. Sir, I question the correctness of that statement. After all, there are only about a thousand subscribers to the Gazette; and the sort of people who subscribe for it and who are likely to read it are not the sort of persons who would ordinarily be interested in the sale of small bits of land. There is provision in the law for the publication of notices in the Taluk Cutcherry, in the Pakuthi Cutcherry, in the Police Station, and in the locality and for giving publicity to sales by the beat of tom-tom; but publication in the Gazette is not a statutory obligation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I ask where is the possibility of publication on the spot in the case of extensive paddy fields?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It is certainly not possible to publish it all over the field. It will be published at one spot there.

PRESIDENT: There is publication by beat of the tom-tom also.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The tom-tom man will go round the locality. Perhaps, as some members pointed out, these provisions are not being carried out properly. The remedy lies in seeing that the provisions are properly carried out. Sir, these methods of giving publicity are really more effective than

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[Rao Sahib Dr. N. Kunjan Pillai.]

publication in the Gazette which is being read by only about a thousand people who are not probably interested in the auction sales, now not notified in the Gazette.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know the number of libraries which subscribe for the Gazette ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I have no information, Sir ; I can now give only the total number of subscribers to the Gazette.

As I said, Sir, the recent circular only says that sales of land less than 3 acres in extent need not be published in the Gazette, and the ordinary Gazette reader is not likely to be interested in such sales.

PRESIDENT : Are these notices of sales still being published in the Gazette ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : It is now two weeks since the publication of notices of sales of lands of less than 3 acres in area has been stopped.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know the proportion of such sales to the total number of sales ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) ; I admit, Sir, that plots of less than 3 acres sold in auction are considerably more than larger plots.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*) : ൫൬,൦൦൦ പരസ്യങ്ങൾ൦ നടത്തിയിട്ടുണ്ട് എന്ന് പറഞ്ഞു. അതിൽ മുന്നേക്കറിൽ കൂടുതൽ വിസ്തീർണ്ണമുള്ള എത്ര വസ്തുക്കൾ൦ ഉണ്ടായിരുന്ന എന്നറിയാമോ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): അതിന്റെ കണക്ക് നോക്കിയിട്ടില്ല.

As I said, Sir, Government are prepared to re-consider the question even in the case of the sale of lands of less than three acres in extent.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I move that the question be now put.

MR. N. E. VARUGHESE (*Tiruvalla I*): എന്റെ ഉപക്ഷേപത്തെ കായ്മായി ഉദ്യോഗസ്ഥപക്ഷത്തുനിന്നും എതിർത്തതായി കാണുന്നില്ല. നിയമത്താൽ ആവശ്യപ്പെടാത്ത ഒരു ചട്ടം എന്ന മാത്രമേ പറയുന്നുള്ളൂ. ഈ സംഗതിയിൽ ഗവണ്മെന്റിന് നിർബന്ധമില്ല എന്നും ഈ ഏർപ്പാട് കൊണ്ട് ജനങ്ങൾക്ക് കൂടുതൽ പ്രയോജനം ഇല്ലെന്ന് കണ്ടുകൊണ്ടും മാത്രമാണ് ഗസറ്റിൽ പരസ്യം ചെയ്യണമെന്നുള്ള ഏർപ്പാടിനെ നിർത്തൽ ചെയ്തത് എന്നും പറയുന്നു. എന്തായാലും ഇതു നിമി

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ത്തമുള്ള ഉപദ്രവങ്ങൾ എന്തെല്ലാമാണെന്ന് ഗവണ്മെൻറ് മനസ്സിലാക്കി അതിനെപ്പറ്റി ആലോചിക്കാമെന്ന മറുപടി പറഞ്ഞിരിക്കുന്നതു കൊണ്ടു ഞാൻ ഈ ഉപക്ഷേപത്തെ പിൻവലിക്കുന്നതിനു അനുവാദം ചോദിച്ചുകൊള്ളുന്നു.

The motion was, by leave, withdrawn.

Motion No. 387.

PRESIDENT : Here again, I have to point out that the purpose mentioned on the agenda paper is that no land should be registered in favour of non-Travancoreans in the future. It is, I take it, a question of policy of the Government which the Honourable member wishes to discuss. It relates to what, according to him, the future policy of Government should be. A big question like that is always discussed on a motion relating to the total grant. So, if the Honourable member will allow his motion to be taken over to the total grant which appears immediately below, I have no objection to allow him to speak.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I shall do so.

PRESIDENT : So, motion No. 387 will take the first place among motions relating to the total grant.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I beg to make the following motion:

To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

Sir, I must at the very outset say that the wording I have used to describe my object is rather not quite happy. I do not intend to make any hard and fast rule absolutely prohibiting registry in the name of non-Travancoreans. I do not want the Government to adopt a policy of excluding non-Travancoreans absolutely and for all time to come in the matter of registry of land. I do not certainly want to provoke any retaliatory measure from the people outside Travancore. My intention is that Government should take into account the facts mentioned in the Census Report and realise that Travancore is getting more and more crowded day by day so that we must have some lands for ourselves.

PRESIDENT : So, the Honourable member wants to amend his motion with the leave of the Chair?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Yes, Sir.

PRESIDENT : How do you propose to amend it?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I would say—

"To point out that land should, as far as possible, be registered in favour of Travancoreans, preference being always given to Travancoreans in the matter of registry of lands."

PRESIDENT : Yes.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not think it is sound policy for the Government to say that they prohibit registry in favour of non-Travancoreans.

MR. S. J. NAIR (*Nedumangad*): May I ask whether the policy now proposed by the member is not the policy now being pursued by the Government?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It is not. The policy now pursued by the Government, with regard to *puduval* lands is not being pursued with regard to waste lands, especially cardamom lands. While, therefore, drawing the pointed attention of Government to the necessity of always giving preference to Travancoreans in the matter of registry of lands, I beg to suggest that it will be politic on our part not to create any feeling outside that they should retaliate because, I fear that, in the future, we may have to go outside for lands since we have not got enough of land here. I am, in this connection, reminded of the very indignant and eloquent speech, full of fervour, delivered by a former Dewan, the late Mr. Watts, on this question of registry of lands in favour of non-Travancoreans. His arguments are still fresh in my mind. He pointed out then that, if we excluded non-Travancoreans for the mere reason that they are non-Travancoreans, the outside world would surely retaliate. We do know, Sir, that we have been very much benefited in the past by outside capital coming into our country for developing inaccessible areas. That is conceded. What I now want the Government to consider is the fact that cocoanut, tapioca and paddy, the chief products of the country now, have gone down terribly in their prices, so that the people have to think of some other crop which would give them some margin of profit even in these days of economic depression. And, there is no prospect of the prices of these products improving. Sir, we have got lots of land fit for cultivation of cardamom, and that does not require a large outlay like tea or rubber. I understand that there is a move on the part of some non-Travancoreans, who have trespassed into our lands, to get such lands registered in their favour. That ought to be prevented, Sir; and absolutely no concession should be shown to such foreigners who have trespassed into our property.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): May I know whether, under the rulings of the High Court of Travancore, trespassers are not sometimes entitled to the value of improvements?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May be.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Under the rulings of the Travancore High Court, are trespassers into Government land entitled to the value of improvements from the Government?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have not studied the case-law on the subject, Sir.

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What I want to impress upon the Government is that there is absolute necessity to reserve as much land as possible for Travancoreans for cardamom cultivation. That is my main point.

PRESIDENT : I may remind the House that this grant will automatically lapse at one o'clock.

MR. G. NILAKANTAN (*Nominated*) : Sir, I beg to support the motion. In this connection, I beg to refer to the state of affairs obtaining in Devicolam. In the G. O. of 1096, the Government ordered that no registry should be made in the cardamom hills until further orders. All the available lands were treated as reserves. In spite of this order the British Indian villagers have encroached upon all the available lands in Devicolam. About three thousand acres were reserved for Travancoreans, but all these have been encroached upon by foreigners to set up occupancy rights. When a prayer was made in one of the sessions of the Sri Mulam Popular Assembly that the G. O. prohibiting registration of land for cardamom cultivation should be cancelled, the Dewan-President then said that the order of prohibition was practically an order for reserving the land for Travancoreans and that the question will be considered when the Neriamangalam-Pallivasal road is opened. Encroachment has been going on at an enormous rate with the result that there is no bit of land left. I do not know what the Revenue Department and the Forest Department Officers are doing. I also find that the foreigners are allowed to encroach upon the land while no Travancorean is allowed to do so. I shall give a particular instance. Once the Commissioner of Devicolam received an application from a Travancorean for the registry of 25 acres of land. He had in anticipation of sanction, entered upon the land. The Commissioner of Devicolam passed orders that the land may be surveyed and registered in his name. Accordingly a surveyor was sent and he found him in possession of the land there. A planter's man, a British Indian, came and assaulted the surveyor and drove him out and the Commissioner, far from taking action against the assaulter, was inclined to favour the foreigner. Fortunately for the poor Travancorean, there was transfer of officers and injustice was not allowed to triumph. Again, Sir, you will find that Travancoreans are prosecuted for trespass, while no foreigner has yet been prosecuted. That is the policy adopted by the local officers towards the Travancoreans. As the mover said, in these days of depression, only cardamom cultivation is worth pursuit. Preference should be shown to Travancoreans in the matter of registry of land for cardamom cultivation. In these circumstances, I support the motion.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : Sir, in Travancore, lands are registered under three sets of rules, namely, the Puduval Rules, the Waste Land Rules or rules which regulate the registry of lands in the hills for cultivation of tea, rubber or other hill produce, and the Cardamom Rules. Registry in favour of foreigners under all these rules is reserved in the hands of Government.

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[Mr. K. George.]

It has been the policy of the Government to reserve as much land as possible in favour of Travancoreans. Mr. Kunjukrishna Pillai specially emphasised the necessity for reserving the cardamom lands for Travancoreans. In the year 1096, Government ordered that further registries in the cardamom hills reserve should be prohibited. At that time there were not many Travancoreans who could go up to that place and begin the cultivation of cardamom. That was because there was no means of communication to that place. It was therefore thought advisable in those days to reserve the cardamom hills area and to prohibit the cultivation there until the conditions became more favourable for Travancoreans. Now it is said that there has been a large extent of encorachment in the cardamom hills reserve. It is a fact and Government have recently appointed a special staff of surveyors to detect these encroachments and to bring the encroachers to book. I am not sure whether, in these remote parts, even today the Travancoreans would find it easy to go and cultivate cardamom. For, it is far away in the interior of the hills and it is very near the borders of British India. The problem of cultivation there by the Travancoreans will be a very difficult one. But the policy of Government has been to prohibit further registries in the cardamom hills reserve with a view to benefit Travancoreans. Now that the High Ranges have been opened, the question of throwing open the cardamom hills reserve for cultivation is being considered and when it is decided to throw open the cardamom hills reserve again for cultivation, the intention of Government is certainly to give preference to Travancoreans. I am sure that, with this assurance, the mover will withdraw his motion.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know the attitude of Government towards the non-Travancorean trespassers?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It is well known that entry on Government land without permission is an infringement of the Land Conservancy Regulation. In such cases, *poramboke* cases are taken up and these are decided by the Revenue Officers, original as well as appellate. When the Government prohibited the registry, they gave a certain concession to those who had entered on the land before the year 1096. There might have been several cases in which parties might have entered on the land before 1096 and carried on their cultivation since that date but who have not so far obtained their registry. These encroachers have to prove in every case that they had entered on the land before the year of prohibition. Of course, every case would be considered on its merits and on the facts of the case, and the decision will be according as to whether the occupation was prior to 1096 or later.

On the question of policy, it is certainly advisable that the Government should reserve the lands as far as possible to Travancoreans. But there is one aspect of the question which has to be taken into consideration. I am merely putting it not as a decision

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on the part of the Government nor as a declaration of policy, but only as a factor which may have to enter into the consideration of Government—whether it would be advantageous either to the Travancoreans or to the Government to invariably evict all these encroachers. In those remote places, where there is no human habitation for miles around, it is a point for consideration whether it will be practicable to carry out eviction effectually. It may be done on paper; but what would happen is that the man would continue to be in occupation of the property, he would continue to enjoy the land, but would escape absolutely all payment either of the price of the land or of the tax that is due to Government. That is a matter which might have to be considered.

MR. A. THANU PILLAI (*Trivandum-Rural*): May I know the approximate area now under unauthorised occupation and from where the member fears the occupants may not be effectively evicted?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I cannot say, Sir. The matter is being investigated by the staff of surveyors. I believe the area is very large.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I just want to know approximately what the area encroached upon will be. Is it ten square miles or two square miles or a few acres?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In the case of each single planter, it may not be large. They cover the whole cardamom hills area and the encroachers are the planters who are already registered holders. A few acres here and a few acres there may be the encroached areas. I believe there would be about two or three thousand acres of such encroachments; that is only a rough estimate; nobody can be sure until the tracts are surveyed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether any encroacher has succeeded in thwarting the authority of Government till now?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It is very difficult in those interior parts to get a person, Travancorean or not, to take registry of lands in the wrongful possession of a registered holder.

MR. G. NILAKANTAN (*Nominated*): Is the member aware of the fact that nobody can trespass on those lands without the knowledge of the forest officers?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): As I said—

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not press the motion.

The motion was, by leave of the House, withdrawn.

Motions Nos. 388 to 458.

The following motions lapsed, on account of time limit:—

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MR. S. NILAKANTA PILLAI :
388. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Rs. 5.

MR. S. NILAKANTA PILLAI :
389. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. T. K. ALEXANDER :
390. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. K. P. KRISHNA MENON :
391. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. N. JOHN JOSEPH :
392. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Rs. 2.

MR. T. T. KESAVAN SASTRI :
393. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. N. E. VARUGHESE :
394. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. T. S. JAYANTAN NAMBOOTIRI :
395. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. T. S. JAYANTAN NAMBOOTIRI :
396. To reduce the allotment of Rs 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. A. S. DAMODARAN ASAN :
397. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. V. RAMAKRISHNA PANICKAR :
398. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. V. RAMAKRISHNA PANICKAR :
399. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. N. K. KRISHNA PILLAI :
400. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. N. K. KRISHNA PILLAI :
401. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. K. M. KURIAKOSE :
402. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. K. M. KURIAKOSE :
403. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. K. M. KURIAKOSE :
404. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

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MR. K. M. KURIAKOSE :

405. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. K. M. KURIAKOSE :

406. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. K. M. KURIAKOSE :

407. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. R. SAMBASIVA AIYAR :

408. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. R. SAMBASIVA AIYAR :

409. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. R. SAMBASIVA AIYAR :

410. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. A. THANU PILLAI :

411. To reduce the allotment of Rs. 21,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. KAINIKKARA M. PADMANABHA PILLAI :

412. To reduce the allotment of Rs. 30,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. T. P. VELAYUDHAN PILLAI :

413. To reduce the allotment of Rs. 30,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. T. P. VELAYUDHAN PILLAI :

414. To reduce the allotment of Rs. 30,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. T. P. VELAYUDHAN PILLAI :

415. To reduce the allotment of Rs. 30,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. KAINIKKARA M. PADMANABHA PILLAI :

416. To reduce the allotment of Rs. 30,396 for Land Revenue and Income Tax Commissioner by Rs 2.

MR. P. K. NARAYANA PILLAI :

417. To reduce the allotment of Rs. 30,396 for Land Revenue and Income Tax Commissioner by Rs. 10.

MR. A. S. DAMODARAN ASAN :

418. To reduce the allotment of Rs. 30,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR V. RAMAKRISHNA PANICKAR :

419. To reduce the allotment of Rs 30,396 for Land Revenue and Income Tax Commissioner by Re. 1.

MR. K. KUNJUKRISHNA PILLAI :

420. To reduce the allotment of Rs. 420 for local allowance to Commissioner, Devicolam, by Re. 1.

MR. S. NILAKANTA PILLAI :

421. To reduce the allotment of Rs. 15,000 for travelling allowances by Rs. 6.

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MR. K. PADMANABHAN :
422. To reduce the allotment of Rs. 15,000 for travelling allowances by Re. 1.

MR. S. NILAKANTA PILLAI :
423. To reduce the allotment of Rs. 1,05,179 for Division Cutcherries by Rs 5.

MR. T. K. ALEXANDER :
424. To reduce the allotment of Rs. 1,05,179 for Division Cutcherries by Re. 1.

MR. T. T :KESAVAN SASTRI :
425. To reduce the allotment of Rs. 1,05,179 for Division Cutcherries by Re. 1.

MR. A. THANU PILLAI :
426. To reduce the allotment of Rs. 1,05,179 for Division Cutcherries by Re. 1.

MR. M. K. MADHAVAN PILLAI :
427. To reduce the allotment of Rs. 1,25,073 for Division Cutcherries by Re. 1.

MR. A. S. DAMODARAN ASAN :
428. To reduce the allotment of Rs. 68,100 for Tahsildars by Re. 1.

MR. A. EASWARA PILLAI (*Kottarakara*) :
429. To reduce the allotment of Rs. 68,100 for Tahsildars by Rs. 10.

MR. S. J. NAIR :
430. To reduce the allotment of Rs. 16,000 for improvement of markets by Re. 1.

MR. S. J. NAIR :
431. To reduce the allotment of Rs. 16,000 for improvement of markets by Re. 1.

MR. S. J. NAIR :
432. To reduce the allotment of Rs. 16,000 for improvement of markets by Re. 1.

MR. S. NILAKANTA PILLAI :
433. To reduce the allotment of Rs. 3,16,260 for Taluk Cutcherries by Rs. 5.

MR. A. THANU PILLAI :
434. To reduce the allotment of Rs. 3,16,260 for Taluk Cutcherries by Re. 1.

MR. M. K. MADHAVAN PILLAI :
435. To reduce the allotment of Rs. 3,17,605 for Taluk Cutcherries by Re. 1.

MR. S. J. NAIR :
436. To reduce the allotment of Rs. 3,03,784 for Proverthy Cutcherries by Re. 1.

MR. A. THANU PILLAI :
437. To reduce the allotment of Rs. 55,482 for Land Records Establishment by Re. 1.

MR. K. PADMANABHAN :
438. To reduce the allotment of Rs. 38,273 for Revenue Survey establishment by Re. 1.

MR. T. P. VELAYUDHAN PILLAI :
439. To reduce the allotment of Rs. 66,745 for Jenmikaram Settlement by Re. 1.

MR. A. THANU PILLAI :
440. To reduce the allotment of Rs. 66,745 for Jenmikaram Settlement by Re. 1.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI :
441. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Re. 1.

MR. K. R. ELENKATH :
442. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Re. 1.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI :
443. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Rs. 100.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI :
444. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Rs. 100.

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MR. S. J. NAIR :
445. To reduce the total allotment of Rs 9, 30,510 under Demand VI by Re. 1.

MR. S. J. NAIR :
446. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Re. 1.

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MR. S. J. NAIR :
451. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Re. 1.

MR. K. M. KRISHNAN :
452. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Re. 1.

MR. M. K. MADHAVAN PILLAI :
453 To reduce the total allotment of Rs. 9,30,510 under Demand VI by Re. 1.

MR. K. R. ELENKATH :
454. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Re. 1.

MR. A. THANU PILLAI :
455. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Re. 1.

MR. K. SANKARAN :
456. To reduce the total allotment of Rs 9,30,510 under Demand VI by Re. 1.

MR. K. SANKARAN :
457. To reduce the total allotment of Rs. 9,30,510 under Demand VI by Re. 1.

MR. K. KUNJUKRISHNA PILLAI :
458. To reduce the total allotment of Rs. 10,49,307 under Demand VI by Re. 1.

PRESIDENT : The motion before the House is that Government be granted a sum of Rs. 9,30,510 *minus* the sum of Rs. 5, which the House has reduced under motion No. 381, under Demand VI Land Revenue.

The question was put and the grant was made.

The House adjourned for lunch at 1 P. M. and reassembled at 2 P. M. with the Deputy President in the Chair.

DEMAND VII—TAXES ON INCOME.

MR. K. GEORGE : (*Land Revenue and Income Tax Commissioner*) : Sir, I rise to move for a sum of Rs. 22, 151 under Demand No. VII Taxes on Income.

Motion No. 459.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : Sir, I beg to move the following motion :—

"To reduce the allotment of Rs. 3,850 for Collectors (Temporary) by Rs. 5"

Sir, Government's case for the appointment of two Income Tax Collectors, one for the towns of Alleppey and Quilon and the others for

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